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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,984	12/30/2003	David Feinberg	054318001US1	8243

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EXAMINER

COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,984

Applicant(s)

FEINBERG, DAVID

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-13 and 20 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 14-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to because reference character “10” pointing to the support post needs to be changed to reference character --16--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. **The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference characters **46** (Fig. 1) and **50** (Figs. 1 and 4) are not shown in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. **The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference characters **20** [0017 and 0025], **81** [0026], **93** [0031], **122** [0034], **124** [0034], **126** [0034], **128**, [0034] and **130** [0034] are not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. **The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures.** If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 10-13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by West 4,013,315.

Regarding claim 1, West '315 discloses an enclosure assembly (10) usable with a golf cart (40) having at least two upright members supporting a roof portion (41), comprising first and second side panels (12) positionable adjacent to side portions of the golf cart, the first and second side panels (13) having edge portions positionable adjacent to the roof portion; a rear panel (18) between the first and second side panels (12) and being positionable adjacent to a rear portion of the golf cart; and a strap portion (18) connected to the top portion of the first and second side panels (12) and being configured to removably attach the first and second side portions to the two upright members of the golf cart adjacent to the roof portion with the first and second side panels supported adjacent to side portions of the golf cart and the rear panel of the golf cart in Figures 1-4.

Regarding claim 2, West '315 discloses the enclosure assembly (10), wherein at least one of the side panels (12) has a forward edge portion (35) and a connecting member (17) connected to the forward edge portion (35), the connecting member (17) being releasably connectable to one of the two upright members.

Regarding claim 3, West '315 discloses the enclosure assembly (10), wherein at least one of the side panels (12) has a forward edge portion (35) and a plurality of connection members (17) connected to the forward edge portion at selected positions to fit selected ones of different golf carts.

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Regarding claim 10, West '315 discloses the enclosure assembly (10), further comprising a carrying case (50) that contains the rear panel (13) and the first and second panels (12) when removed from the golf cart in Figure 5.

Regarding claim 11, West '315 discloses the golf cart assembly, comprising a golf cart (40) having a body (42) and at least two upright members supporting a roof portion (41) over the body, the golf cart (40) having first and second side portions extending between front and rear portions; a first flexible side panel (12) removably adjacent to the first side portion of the golf cart, the first side panels (12) having a first edge portion (34) adjacent to and under the roof portions; a second flexible side panel removably adjacent to the second side portion of the golf cart, the second side panels having a second edge portion adjacent to and under the roof portion; a rear panel (13) between the first and second side panels and adjacent to the rear portion of the golf cart; and a strap portion (17) connected to the first and second edge portions (35 and 36) of the first and second side panels and releasably attached to the two upright members of the golf cart adjacent to the roof portion with the first and second side panels supported adjacent to first and second side portions of the golf cart, respectively, and the rear panel adjacent to a rear portion of the golf cart in Figures 1-4.

Regarding claim 12, West '315 discloses the golf cart assembly, wherein at least one of the first and second side panels (12) has a forward edge portion (35) and a connection member (17) connected to the forward edge portion, the connection member being releasably connected to one of the upright members in Figures 3.

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Regarding claim 13, West '315 discloses the golf cart assembly, wherein at least one of the first and second side panels (12) has a forward edge portion (35) and a plurality of connection members (17) connected to the forward edge portion at selected positions to adjust the fit of the at least one of the first and second side panels relative to at least one of the two uprights in Figure 3.

Regarding claim 20, West '315 discloses the golf cart assembly, further comprising a carrying case that contains the rear panel and the first and second panels when removed from the golf cart

Allowable Subject Matter

6. Claims 4-9 and 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other golf cart enclosures similar to that of the current invention.

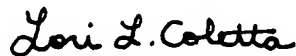
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
October 4, 2004